#### **Report for Resolution**

**Report to** Planning Applications Committee

**Date** 03 July 2014

Report of Head of Planning Services

**Subject** 14/00169/F Land adj to 36 Sunningdale

Item

#### SUMMARY

Description:	Erection of 1 no. four bedroom dwelling with garage.		
Reason for	Objection		
consideration at			
Committee:			
Recommendation:	Approve		
Ward:	Eaton		
Contact Officer:	Mr John Dougan	Planner 01603 212504	
Valid Date:	07 February 2014		
Applicant:	Jenkinson Properties Ltd		
Agent:	David Futter Associates Ltd		

### INTRODUCTION

#### The Site

#### **Location and Context**

- 1. The site is in a residential area and consists of various styles including chalet and two-storey, with a mixture of materials include red brick, buff brick and cladding. Most of the dwellings sit on generous plots with varying spatial characteristics between each of the dwellings. However, the area to the south-east and west has been redeveloped with modern contemporary properties built using a combination of brick and render.
- 2. Mature oak trees run along the public footpath that links Sunningdale and Wentworth Green. This group contain trees which have tree preservation order status.
- 3. The application site lies between the public footpath to the south-west and the adjoining property to the north-east i.e. 36 Sunningdale which is a two storey dwelling with an open garden to the front and garden to the rear. The south-west elevation of no.36 has no windows at first floor level and a small window at ground level but it is not believed to be a primary window serving a habitable room.
- 4. The adjoining property to the rear is a two-storey dwelling which has windows and a balcony which overlook the application site.
- 5. Existing boundary treatment to the rear is a combination of 2m. close board fence and overgrown hedge, with the boundary with no. 36 being a 2m close board fence. The boundary to the south-west contains an extensive overgrown hedge. The site is generally in a quite an overgrown state.

#### Constraints

6. The site has a group of trees along the boundary with the footpath that have tree preservation orders on them.

#### **Planning History**

08/00046/U - Change of use of site as builders secure compound whilst the site opposite is developed. Single container to be stored on site. (Approved for a temp period 25.04.2008)

The planning history of the site is limited, as the site was part of wider development of the area. There is no evidence to suggest that the land is a piece of open space associated with the wider housing development. It is therefore concluded that the mature TPO trees that run along the south-west boundary were a constraining factor in the re-development of the site.

## **Equality and Diversity Issues**

There are no significant equality or diversity issues.

#### The Proposal

- 7. The original application was for a 2 storey, 4 bedroom dwelling with double garage with a higher ridge height than the adjoining property.
- 8. However, following discussions with officers a revised proposal was submitted being a two storey chalet style dwelling with a narrower garage.
- 9. The development would be accessed from Sunningdale, with a garden to the front, rear and side.

## **Representations Received**

- 10. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.
- 11. The application was subject to a further period of consultation expiring on the 6<sup>th</sup> June.

Issues Raised	Response
The land has been an amenity to the area.	Para 15
A new dwelling would remove valuable	
green space	
Adverse impact of on pedestrian / cyclist	Paras 46 - 49
safety (inc children) due to the position of the	
access next to a footpath/cyclepath -	
The building is too close to our boundary	Paras 19 – 22 and 28
(no.36), is not characteristic of the area. The	
dwelling should be located further to the SW	
of the site	

A building being too close to our boundary	Paras 38 to 42
(no.36) will result in loss of light to our	
ground floor window and amenity area.	
The dwelling of this size is not considered to	Paras 19 – 22 and 24 - 31
be reflective of other properties in the area	
which are predominantly separated by flat	
roof garages helping retain spatial	
characteristics evident in other properties.	
If planning permission is to be granted, it	Para 31
should be conditional on the dwelling being	
at least 4 metres from our boundary (no.36).	
Adverse impact on parking due to	Paras 46 -49
construction traffic and new occupants	
parking in front of driveways	
The ridge height of the dwelling is too high	Paras 25 -28
and the massing is excessive	
The dwelling will block light to our property	Para 41
(no.6) and restrict view.	
The development will overlook my property	Paras 43 - 45
(no.5)	

Norwich Society – Concern about the impact on the existing oak trees.

#### **Consultation Responses**

- 12. Transportation No objection. It would appear that vehicles may need to reverse out onto Sunningdale. Whilst this is not ideal, it is a low speed, low traffic route. There is no other practical vehicle access solution and an objection is unlikely to be sustained at appeal on the basis of visibility on a low traffic, low speed cul-de-sac.
- 13. Natural Areas Officer Concern relating the protection of the Oak trees including possible pressure to severely reduce the canopy in the future should approval be granted. Any significant tree works or clearance of shrubby vegetation should take place outside the main bird breeding season (March to August inclusive), but if works are to occur during this period, a suitably qualified ecologist should first inspect the area for any signs of nesting activity. It is also possible that other animal species such as common toad and hedgehog may be present so ground vegetation clearance should be carried out sensitively to avoid possible harm. During building works, any open excavations should be covered at night and during periods when work is not taking place to avoid animals falling in and becoming trapped.

#### ASSESSMENT OF PLANNING CONSIDERATIONS

## **Relevant Planning Policies**

#### **National Planning Policy Framework:**

- Statement 6 Delivering a wider choice of high quality homes
- Statement 7- Requiring good design
- Statement 11- Conserving and enhancing the natural environment

## Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 2 Promoting good design
- Policy 3 Energy and water
- Policy 4 Housing delivery

# Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP16 Water conservation
- EP22 High standard of residential amenity
- NE1 Protection of environmental assets from inappropriate development
- NE3 Tree protection
- NE8 Management of features of wildlife importance and biodiversity
- TRA6 Parking standards (maxima)
- TRA7 Cycle parking standards
- TRA8 Servicing provision

#### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

# Development Management Policies Development Plan Document – Presubmission policies (April 2013).

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM12 Ensuring well planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

#### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

#### **Housing supply**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

#### **Principle of Development**

#### **Policy Considerations**

- 14. The NPPF is in place stating that there is a presumption in favour of sustainable development. It is also noted that paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The primary focus of this legislation is therefore material to this assessment. Residential gardens are also no longer considered to be classed as brownfield land.
- 15. However, in this case the land in question is not considered to be part of the curtilage of an existing property, but a piece of land that, for whatever reason, has not been developed. It is not designated as open space, nor is there any evidence to suggest that the land in question was a piece of public open space which formed part of the original housing development. The land is in fact under private ownership.
- 16. Policies HOU13, HBE12, EP22 are used to assess the appropriateness of such development and whether or not it would cause significant harm to the area.
- 17. The site is in residential location use, being relatively close to public transport routes and a cycle route into the city. A dwelling will also contribute to the city's housing stock.
- 18. Therefore the principle of a dwelling in this location is considered to be acceptable.

#### Character

- 19. The proposal is of scale, design and layout which is consistent with the character of this area.
- 20. It is acknowledged, that many of the plots contain flat roof garages which help contribute to the spacing between each of the properties and that the spacing between the proposal and the dwelling to the north east (no.36) is less than other examples in the area.
- 21. However, new development does not have to replicate every characteristic of the existing built environment. If this were the case, the modern development opposite the site would not have been acceptable. In this instance the proposal is of scale and design which strikes the balance in being sympathetic to the existing character and introducing new design features and characteristics into the area. The visualisation provided by the applicant demonstrates that the proposal can sit sensitively within the wider environment.
- 22. The separation between both dwellings does not result in significant harm to the character and local distinctiveness of the area.
- 23. It should also be noted that the development includes the retention of the mature trees, which in themselves are a defining feature which contributes to the areas local distinctiveness. The proximity of the original design due to the scale and height of the roof could have resulted in pressure to remove the canopy in the future.
- 24. The revised design has a lower roof and the Council's tree officer has stated that this would improve the liveability of the tree. Whilst this is not ideal, the impact is not

considered significant enough to warrant refusal. Therefore, it is considered that the quality of the trees can be secured, ensuring that following completion of the dwelling, the trees can still contribute to the character and local distinctiveness of the area.

#### Scale, design and layout

- 25. The key policies relevant to this section are HBE12 and emerging policies DM3 and DN
- 26. The previous proposal contained a ridge height and proportions which were not considered to be sympathetic to visual amenities of the street scene. Its north east elevation was also considered to be too overbearing, potentially resulting in significant overshadowing of the neighbouring property (no.36). The key concern was the proxim of the dwelling and its associated massing next to the Oak trees, potentially having an adverse impact on their liveability in terms of pressure to reduce the canopy.
- 27. The applicant has responded to some of the officer concerns about the scale and siting the dwelling. The proposed dwelling is of a scale and design which is very similar to th surrounding properties, incorporating modern design elements which are reflective of emerging schemes in the area such as the one opposite.
- 28. The street scene and visualisation provided by the applicant, demonstrate that the dwe is well proportioned in terms of its relationship with the size of the plot and also the wid street scene. The ridge height and roof profile is also considered very similar to those evident in the wider street scene, with the front dormers helping break up the massing roof.
- 29. The site is well laid out, with the front of the dwelling respecting the front and rear build lines of the dwelling to the north-east. There is adequate open space to the front of the property for a driveway and off street parking and a private rear garden similar in size to other examples in the area.
- 30. The rear amenity area and rear windows of the new dwelling will be partially overlooker from the rear, particularly from no. 6 Carnoustie's balcony. Whilst this is not ideal, the neighbouring property is considered to be set back from the boundary at a distance wh should not result in significant loss of privacy for the new occupants. The degree of overlooking reduced further by the placement of trees in front of the existing close boar fence. This matter can be secured by condition.
- 31. The assessment of the scale, design and layout of the proposal has been assessed on basis of the plans submitted and deemed to be acceptable. A condition requiring that t dwelling be moved a distance of 4 metres from the boundary is not considered to be necessary nor reasonable.

## **Impact on Living Conditions**

#### **Future residents**

- 32. Large proportions of the space to the rear is likely to be overshadowed in winter months, due to its proximity to the mature TPO trees. Furthermore, part of that rear amenity space will be overlooked by the dwelling to the rear.
- 33. Whilst this is not ideal, this is compensated by the fact that the site is well served with large areas of private amenity space for the residents. Similarly, these slightly

negative characteristics of the site will be quite clear to see for any prospective purchasers enabling them to make an informed decision on whether or not the amenity arrangement is suitable for their needs.

#### **Neighbouring amenity**

#### Overbearing nature

- 34. The new dwelling will be in close proximity to existing properties, the key receptors being no. 36 Sunningdale and nos 5 and 6 Carnoustie to the rear.
- 35. The revised proposal occupies a footprint which respects the front and rear building lines of no.36. The ridge height is also slightly lower than the ridge height of that adjoining property. Therefore a dwelling that is of a similar scale to other examples in the area cannot be reasonably considered as overbearing when viewed from the rear or from the front.
- 36. The development will introduce a new two-storey façade in close proximity to the boundary with no.36. However, as this south-west side of the adjoining property does not contain any first windows serving any habitable rooms, no significant loss of outlook will result.
- 37. The adjoining property has a small window to the ground of its south-west elevation. However, as this is not considered to be a primary window, no significant loss of outlook will result.

#### Overshadowing / daylight

- 38. The siting of the dwelling will result in some loss light or sunlight accessing the side window of no.36. However, this impact is reduced by the fact that the window in question is not a primary one, so the significance of the impact is less. Furthermore, the steeper pitch of the chalet roof will mean that the window will still receive some daylight and sun light.
- 39. The proximity of the extension might result in some overshadowing to the small amenity area to the side of no.36. Whilst this may be the case, the area in question is not considered to be a primary private amenity space, so any impact is considered significant.
- 40. Due to the orientation of the new dwelling, no.36's rear garden may receive some additional overshadowing from midday through the afternoon. This impact is lessened by the fact the massing of the dwelling has been reduced by virtue of the chalet style roof and that the rear elevation is in line with the rear of the adjoining property. These mitigating factors should also be taken in the context of the sites close proximity to the mature Oak trees which may already project some overshadowing towards the rear garden of no.36.
- 41. The dwellings to the rear will not be adversely impacted by any overshadowing or loss of daylight. This is due to the more than adequate separation distance between the dwellings.
- 42. Weighing up the impacts and mitigating factors, it is considered that the proposal would not result in unacceptable levels of additional overshadowing which would result in significant loss of amenity for the adjoining properties.

#### Overlooking / privacy

43. There are no new first floor windows to the north east elevation of the proposed

- dwelling. This will mean that the adjoining property (no.36) will not experience significant loss of privacy.
- 44. There will be first floor windows serving bedrooms 3 and 4, looking directly in line to the rear of nos. 5 and 6 Carnoustie, in particular no. 6 Carnoustie's rear balcony.
- 45. The overlooking or associated privacy issues between both properties is not considered to be significant due to the separation distance between opposing elevations being some 25 metres. The level impact will be reduced further by the addition of appropriate landscaping along that boundary which can be secured by condition.

## **Transport and Access**

- 46. Saved policy TRA5 reinforces the need for design which makes appropriate provision in terms of layout for access and parking.
- 47. A single dwelling would not intensify the use of the access to a level which would result in a significant adverse impact on highway safety or the safe use of the foot way or cycleway.
- 48. The local highway authority has confirmed that they have no objection to the proposal, confirming that due the access being in a low speed, low traffic route.
- 49. Whilst the frontage of the site is quite close to the footpath/cycleway, it is still considered to be a relatively open frontage which should not lead safety issues that cannot be reasonably managed by the builders during the construction process. Any on road parking by construction vehicles and operatives would not be an impact which would result in any long term burden for the surrounding properties.

#### **Water Conservation**

50. No details submitted. This matter is considered to be achievable so it is recommended that an appropriate condition be added to any approval.

## Trees, landscaping and biodiversity

#### **Trees**

- 51. The impact on nearby mature protected trees is a major consideration for this development. The trees in question are located along the south west boundary and the footprint of the dwelling and associated driveway/turning area being within the route protection zone of two of those trees.
- 52. Under normal circumstances, such a development would be unacceptable due to the constraints set by the route protection zones. However, in this instance the applicant is intending to use a relatively innovative method of protecting the route zone entitled 'Abbey Pynford Housedeck System', which is based on an above ground raft, with a void between the existing ground level and the base of the foundation. The suspended slab is supported by piles that can be positioned to suit the ground

conditions so as to avoid significant routes.

- 53. The Council's tree officer has viewed this methodology, including 'Cellweb' technology to be used for the driveway areas and considers them sufficient to ensure that the route protection zones of the protected trees are safeguarded.
- 54. However, the council's tree officer did have concerns relating to the future liveability of the tree post construction. This relates to future pressure for significant pruning of the canopy due to the future occupants perceived nuisance due to falling leaves or tree beams touching the roof of the house
- 55. The applicant agreed to reduce the ridge height and slightly reduce the width of the house. Whilst, the Tree officer considers the presence of the dwelling next to the trees as far from ideal, the revised arrangement is considered acceptable, ensuring that the tree will not experience a significant pressures on its future liveability.
- 56. It is recommended that a condition be added requiring that any works be in accordance with the revised arboricultural impact assessment and tree protection plan. Furthermore, in light of the significance of the trees and the close proximity of the development, it also recommended that an additional condition be added requiring a pre-commencement meeting with all key parties including the Council's tree officer, enabling the local planning authority to establish a clear method of works and supervision regime.
- 57. All of the above measures are considered to be sufficient to ensure that the works will not have an adverse impact on the health of the trees, ensuring that they continue to be of landscape value to the area.

#### Landscaping

58. Various landscape works are proposed. There is existing hedging to the south west and rear boundaries, all of which play an important role in softening the appearance of the area next the protected trees and safeguarding the amenities of neighbouring properties. It is therefore recommended that these matters be secured by condition.

#### **Biodiversity**

59. It is recommended that the comments made by the natural areas officer be conditioned in any approval.

#### **Local Finance Considerations**

- 60. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.
- 61. The proposal will be liable for community infrastructure levy payments and new homes bonus.

## **Equality and Diversity Issues**

62. None

#### **Conclusions**

- 63. The principle of the new dwelling is acceptable as it reflects the residential character of the area and is in a sustainable location with access to public transport, and local cycle network. It will also contribute to the city's housing stock.
- 64. The scale and design of the dwelling has a sympathetic relationship with the nearby dwelling and the visual amenities of the street scene. The layout also provides for adequate access, amenity space and parking subject to further details being secured by condition.
- 65. The development will not result in any significant overlooking, loss of privacy or outlook of adjoining properties. That being said, the development will result in additional overshadowing to the rear garden of no.36 Sunningdale, but in the context of its surroundings and the scale and siting of the proposal, this impact is reduced.
- 66. The protection of the route zone and liveability of the TPO trees can be safeguarded by condition.
- 67. The safe demolition of the garage, cycle storage, tree retention and water conservation can be secured by condition.
- 68. The acceptability of the proposal is finely balanced, given the reservations about the potential overshadowing of no.36's rear garden and the impact on the protected trees. Taking this impact into consideration alongside the many positive aspects of the development, including the lack of five year housing land supply with the NPA, the proposal is on balance considered to be acceptable.

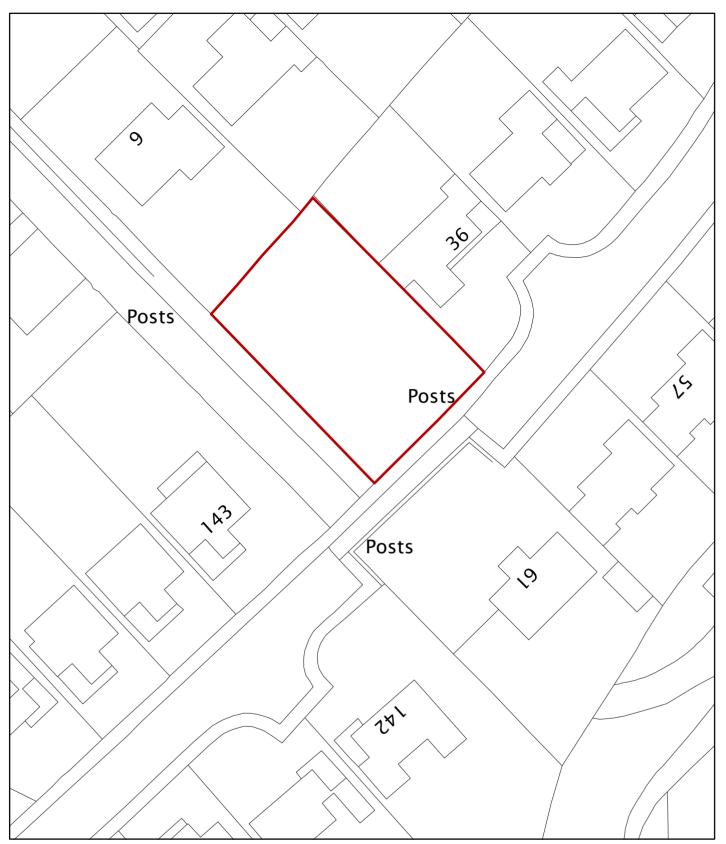
#### RECOMMENDATIONS

To approve Application No 14/00169/F land adj to 36 Sunningdale and grant planning permission, subject to the following conditions:-

- 1. Time limit
- 2. In accordance with the approved plans
- 3. Submission of samples
- 4. Details of landscaping
- 5. Submission of details of water conservation measures
- 6. In accordance with the arboricultural method statement and tree protection plan and TPP tree protection plan
- 7. Pre-commencement meeting and arboricultural supervision
- 8. Appropriate condition in accordance with the recommendations of the Natural Areas Officer

#### Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent the application has been approved subject to appropriate conditions and for the reasons outlined above.



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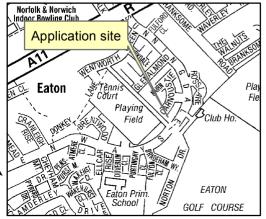
Planning Application No 14/00169/F

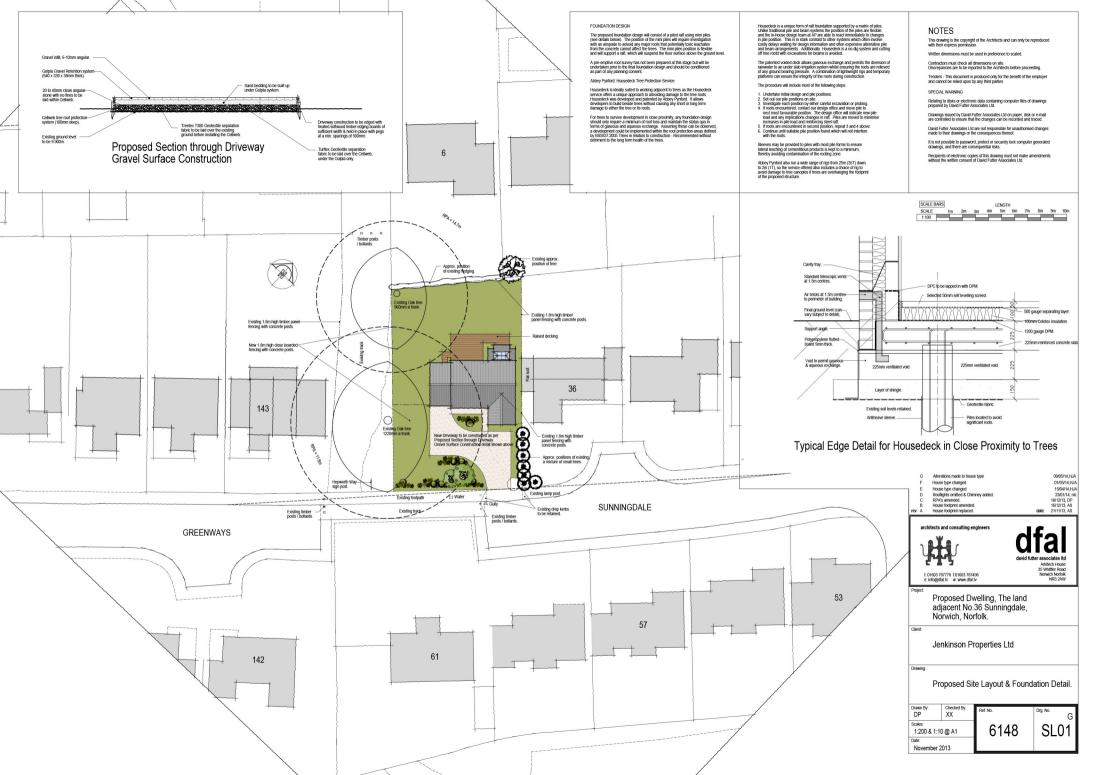
Site Address Land adjacent to 36 Sunningdale

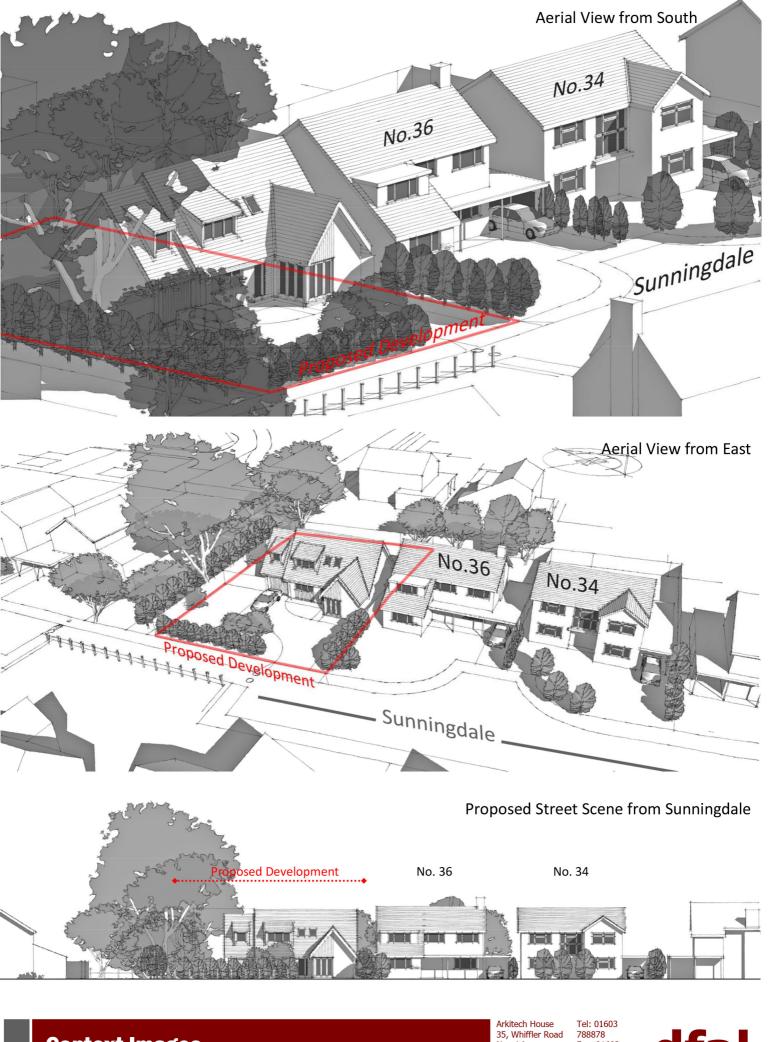
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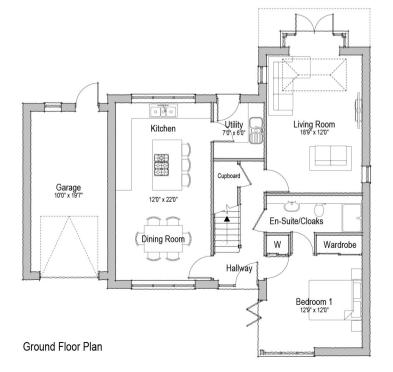
North East Elevation

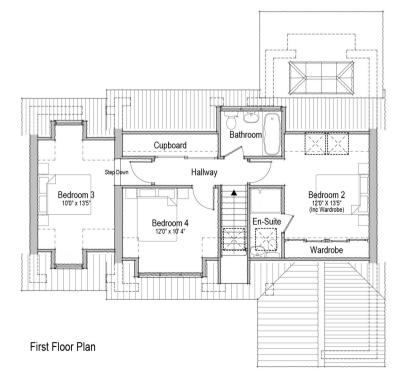




South West Elevation

North West Elevation

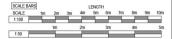




#### NOTES

Written dimensions must be used in preference to scaled

Tenders - This document is produced only for the benefit of the employe and cannot be relied upon by any third parties





Proposed Dwelling at the land adjacent No.36 Sunningdale, Norwich, Norfolk.

Jenkinson Properties Ltd.

Proposed Plans & Elevations.

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